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In re Application of

OHMURO, et al.

Application No.: 10/598,397

PCT No.: PCT/JP05/03007

Int. Filing Date: 24 February 2005

Priority Date: 27 February 2004

Attorney Docket No.: FUJI:389

For: DOPPLER TYPE ULTRASONIC FLOW METER :

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Request For Corrected Filing Receipt" filed 17 March 2008, requesting that the United States Patent and Trademark Office (USPTO) correct the 371(c) date for the above captioned application to 22 September 2006. The request is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 24 February 2005, applicant filed the international application, which claimed a priority date of 27 February 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 September 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 27 September 2006.

On 22 September 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application as filed, a preliminary amendment, an application data sheet and an executed combined declaration and power of attorney.

On 07 March 2008, applicant was mailed a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) indicating an date of completion of all 35 U.S.C. 371 requirements of 22 September 2007.

On 17 March 2008, applicant filed the petition considered herein.

DISCUSSION

Applicant has provided a copy of the USPTO Electronic Acknowledgment Receipt which lists the items detailed above and indicates an electronic filing date of 22 September 2006. This

information is also confirmed by an examination of the fee records for the present application. The evidence is sufficient to establish that all of the 35 U.S.C. 371 requirements were received in the USPTO on 22 September 2006.

CONCLUSION

For the reasons stated above, it is proper to **GRANT** applicant's petition at this time.

The application has an international filing date of 24 February 2005 under 35 U.S.C. 363 and will be given a date of **22 September 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) mailed 07 March 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely (1) the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above and (2) issuance of a corrected filing receipt as to the errors noted on applicant's present request.



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